



## Mauritania

### Country Reports on Human Rights Practices - [2001](#)

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Mauritania is a highly centralized Islamic Republic dominated by a strong presidency. The Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since 1992 as head of an elected civilian government. Taya was reelected President with more than 90 percent of the vote in 1997 elections widely regarded as fraudulent. The next presidential elections are scheduled for 2003. In October 15 political parties presented candidates for simultaneous elections for the 81-member National Assembly and more than 3,000 municipal posts nationwide. The introduction of hard-to-falsify voter identification cards and published, revised voter lists led to elections considered generally fair and transparent. Opposition parties made significant gains, particularly in urban areas, winning 11 National Assembly seats and 15 percent of the municipal posts. The Constitution provides for an independent judiciary; however, the judiciary is subject to significant pressure from the executive through its ability to influence judges.

The Government maintains order with regular armed forces, the National Guard, the Gendarmerie, and the police. The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Security forces are under the full control of the Government and are responsible to it. Some members of the security forces committed human rights abuses.

The country, which has an estimated population of 2.5 million, has a market-oriented economy based on fishing, mining, subsistence farming, herding, and a small commercial sector. Fish and iron ore are the country's main export-earners. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. In February 2000, the country qualified for debt relief under the Highly Indebted Poor Countries initiative and in December 2000, published a Poverty Reduction Strategy Paper, which sets important targets for private sector development and improved access to education and health care for all segments of society in all parts of the country. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, impedes economic growth. Annual per capita national income is estimated at \$380 (97,000 ouguiya). The country receives foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained generally poor, and problems remained in several areas. Democratic institutions remain rudimentary, and the Government circumscribes citizens' ability to change their government. In 2000 the Government dissolved the major opposition party, the Union of Democratic Forces (UFD). Security forces shot and killed one person during the year. Police used excessive force, beat, or otherwise abused detainees, and used arbitrary arrest and detention and illegal searches; however, reports of police abuses continued to decrease during the year. The Government failed to bring to justice most officials who committed abuses. Prison conditions remained harsh and unhealthy; however, the new men's prison completed in 2000 in Nouakchott reduced overcrowding and improved sanitary conditions. Pretrial detention continued; however, the length of pretrial detentions was shorter due to improved organization of the courts. The Government continued its program of judicial reform and training; however, the executive continued to exercise significant pressure on the judiciary, and in practice the right to a fair trial was not always realized. At times the Government restricted freedom of speech and of the press. While the Government tolerates a critical independent press, it continued to censor individual editions. The Government restricted freedom of assembly, and used excessive force in July to prevent a student meeting. The Government limited the freedoms of

association and religion. The Government continued to refuse to recognize officially some nongovernmental organizations (NGO's) and human rights organizations. Discrimination against women continued, and female genital mutilation (FGM) remained a serious problem despite government efforts to halt the practice. Ethnic tensions continued to ease, but the largely southern-based ethnic groups, including the Halpulaar (also called Fulani or Peuhl), Soninke, and Wolof ethnic groups, remained underrepresented in political life and some of their members felt excluded from effective political representation. Child labor in the informal sector is common. A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist; however, there continued to be reports that slavery in the form of forced and involuntary servitude persists in some isolated areas, and that unofficial, voluntary servitude persists and that former slaves continue to work for former masters or others for food, shelter, and clothing, although they were under no legal compulsion to do so.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Security forces killed one person during the year. In February members of the National Guard killed one Senegalese fisherman and injured another Senegalese fisherman when they shot at fish poachers; no action was taken against the guard members. In late February, the Government and the Government of Senegal reached an agreement to increase the number of fishing licenses issued to the Senegalese, and since the agreement, there have been no further incidents of police shootings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other forms of cruel or inhuman punishment; however, on occasion the police reportedly continued to beat criminal suspects while in custody. In July police beat two persons detained in Aioun. There were fewer reports of the use of undue force by police in controlling public crowds or breaking up the limited number of peaceful demonstrations that took place (see Section 2.b.).

In February members of the National Guard injured one person when they shot at fish poachers (see Section 1.a.).

In July at the Hotel Chinguetti, police used excessive force to disperse a meeting of university students who were attempting to form a student association (see Section 2.b.).

There was no action taken against authorities who forcibly disrupted demonstrations and beat demonstrators in April 2000. No further action was taken against the members of the police who used excessive force to break up demonstrations by Black Moors protesting land redistribution; some demonstrators were beaten and injured (see Sections 1.f. and 2.d.). The Government sanctioned the Governor and the head of police by removing them from their posts.

In 1999 the Director of Security traveled to each region of the country to meet with police forces to inform their members that the Government would not tolerate the use of torture or undue force and that violators would be prosecuted. These visits reportedly were successful. The Government has continued its in-service training of police and other security personnel, which has shown some positive results. Reports of the use of excessive force, requests for payoffs, or other abusive behavior continued to decrease during the year, and some violators were sanctioned.

In November French judicial proceedings continued in absentia against Captain Ely Ould Dah, a Black Moor charged with torturing two Halpulaar in the country in 1990 and 1991 who later gained political refugee status in France. Ould Dah was arrested in France in 1999 under the International Convention Against Torture despite a general amnesty passed by Parliament in 1993, and he fled France in April 2000 while awaiting trial after being released on bail. Following the 1999 arrest, the Government reacted strongly to what it considered an infringement on its sovereignty by a French court and refused entry to a French prosecutor who sought to gather information to support the charges. Dah's case has prompted public debate on ways to further national reconciliation.

Prison conditions remained harsh; however, conditions in Nouakchott's prison continued to improve following the 2000 opening of a newly constructed section of the men's prison, which ended serious overcrowding. The former men's prison is used to provide space for educational and sports programs for children. In other prisons, serious overcrowding persisted and sanitation facilities remained inadequate and reportedly have contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Some prisoners received special treatment based on family and position. Prisoners with high-level government connections and families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. The prison administration instituted in 1997 has improved markedly the conditions of prison food, health, hygiene, and family contacts; however, in the last 2 years, budgeted levels for improved food and nutrition, medical services and supplies, and new bedding and cleaning supplies were not met. New guard force management continued to enforce instructions against beatings and torture; however, there were reports of beatings of detainees at the Commissariat outside of the Nouakchott prison. The overall prison capacity is 700 and the prison population was 1,413 in October. The prison population in Nouakchott was 598 persons. There were 549 men, 25 women, and 24 minors; minors were held in separate facilities.

Female prisoners have separate facilities with a communal garden. Children of female prisoners remained with their mothers or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, continued to provide a program of education and microenterprise projects to the female prisoners. UNICEF, in collaboration with the French organization CARITAS, has been providing increased services, including training and sports in the juvenile detention centers. The Government cooperated with an NGO to provide training for female guards who work at the women's prison; 15 women have served as prison guards in the women's prison since March 2000. A doctor and nurse assigned to the men's prison also provided medical care for the women's and children's prison, but the infirmary remained understaffed.

As a general procedure, pretrial detainees are held separately from convicted prisoners; however, this procedure was applied inconsistently.

The Government permits prison visits by domestic and international diplomats and human rights monitors. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) has access to prisons, but did not conduct prison visits during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, police arbitrarily arrested and detained citizens. The actual application of the constitutional safeguards continued to vary widely from case to case. The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court may detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. There is a provision for granting bail, but it is used rarely.

Security forces continued to use arbitrary arrest, detention, and intimidation against opposition parties; however, there were fewer such reports during the year. In January several members of the banned opposition party Union of Democratic Forces-New Era (UFD-A) were detained in Nouadhibou and Nouakchott for several days; they were not charged. The UFD-A party claimed that party members detained for several days in January were political detainees. In April police detained Mohamed Lemine Ch'bih Ould Cheikh Malainine, leader of the Popular Front (FP) opposition party, and two other party members, on charges of conspiracy to commit acts of sabotage and terrorism; in June a judge in Aioun found Ch'bih guilty and sentenced him to 5 years in prison. The trial was marred by numerous irregularities, including a questionable last-minute change of venue, contradictory prosecution witnesses, and a lack of physical evidence. In December the Supreme Court upheld the court's conviction and sentence.

Unlike in the previous year, there were no reports that security forces arbitrarily arrested and detained returned refugees or others protesting land redistribution in communities in the south along the Senegal River; however, land tenure reform remains a concern (see Sections 1.f. and 2.d.).

Human rights activists report that police showed greater respect for legally mandated procedures and that prison administration continued to show improvement; however, pretrial detention after arraignment often is prolonged. An estimated 15 to 20 percent of those in prison have not yet been tried, or were awaiting sentencing following their trials. Some indicted detainees are released before trial without explanation; familial, tribal, or political connections may explain some of these cases. In 2000 the Government and an NGO sponsored a 10-day seminar for 50 police officers to inform them of the rights of children and the legal treatment of detained suspects.

There is no provision in the law regarding exile, and there were no reports of forced exile during the year. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989 to 1991. In July former President Moktar Ould Daddah, who had been living abroad since his overthrow in 1978, returned to the country.

#### e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; however, in practice the executive branch exercises significant pressure on the judiciary through its ability to appoint and influence judges. In addition poorly educated and poorly trained judges who are susceptible to social, financial, tribal, and personal pressures limit the judicial system's fairness. However, the Government carried out a program to improve judicial performance and independence.

There is a single system of courts with a modernized legal system that conforms with the principles of Shari'a (Islamic Law). The judicial system includes lower-, middle-, and upper-level courts, each with specific jurisdictions. Departmental, regional, and labor tribunals are the principal instances at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, hear civil cases involving sums less than \$39 (10,000 ouguiya) and family issues, such as domestic, divorce, and inheritance cases. A total of 13 regional tribunals accept appeals in commercial and civil matters from the departmental tribunals and hear misdemeanors. Three labor tribunals, composed of a president and two assessors (one who represents labor and one who represents employers), serve as final arbiters for labor disputes. At the middle level, three courts of appeal, each with two chambers (a civil and commercial chamber, and a mixed chamber), hear appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court nominally is independent and is headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviews decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review is within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly President, and one by the Senate President. Annual review of judicial decisions is undertaken by the Supreme Council of Magistrates, over which the President presides; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly are members of this Council. The annual review is intended to determine whether courts applied the law correctly and followed proper procedures. The most recent review was used as a basis for evaluating the reform process, providing for retraining of judges, and making reassignments based on their qualifications.

The minimum age for children to be tried is 12. Those between the ages of 12 and 18 are tried and sentenced to the juvenile detention center (see Section 1.c.). In 2000 a special court to hear the cases of children under the age of 18 became operational. Children appearing before the court received more lenient sentences than did adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence, which consisted of organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals established in 1999 for specific types of disputes held court sessions more frequently, and as a result of dropping the requirement in 2000 to have three judicial personnel present for each trial, pretrial detention periods generally were shorter (see Section 1.d.). The Government continued to hold security officials accountable and prosecuted officials for abuses, which has improved the public perception of the judicial system.

Unlike in previous years, there were no significant training activities under the government education program conducted to upgrade the qualifications of judicial personnel.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which are open to the public. If defendants lack the ability to pay for counsel, the court appoints an attorney from a list prepared by the National Order of Lawyers, which provides defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally were observed in practice.

Shari'a (Islamic law) provides the legal principles upon which the law and legal procedure are based, and because of the manner in which Shari'a is implemented in the country, courts do not treat women as the equals of men in all cases (see Section 5). For example, the testimony of two women is necessary to equal that of one man. In addition in awarding an indemnity to the family of a woman who has been killed, the courts grant only half the amount that they would award for a man's death. For commercial and other modern issues not addressed specifically by Shari'a, the law and courts treat women and men equally. The approval and

publication in June of the new Personal Status code created a written framework to regularize the prevailing Shari'a-based family law, which without defining legislation had been applied unfairly. For example, formulas applied to property distribution varied widely from case to case. In addition the validity of and right to establish prenuptial agreements was not respected always.

Members of the opposition party FP claim that party leader Mohamed Lemine Ch'bih Ould Cheikh Malainine is a political prisoner and that his June conviction for conspiracy was a baseless pretense (see Section 1.d.).

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignore this requirement.

Government surveillance of dissidents and the political opposition is believed to continue, although the extent to which the Government used informants is unknown.

There were a number of reports that some government officials misappropriated land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Haratines and distributing it to their own friends and family (see Section 6.c.). The Government began implementation of the 1983 land reform law in 1990. The reform aimed at providing land for rural landless persons, including White and Black Moor victims of desertification in the northern and central regions and, in recent years, for returning southerners who had been expelled from 1989 to 1991. The reform also aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the means to cultivate it. However, there may have been a net redistribution of land from southerners and Haratines to White Moors under that program, since the south has been affected less by desertification than the more northerly regions historically inhabited by the Moors. There also were some reports that some southerners who had been expelled or fled from the country from 1989 to 1991 were unable either to regain possession of the land they had farmed before 1989 or to gain possession of other land from the Government; however, other reports indicate that all those previously on the land were granted some land rights (see Section 6.c.).

In June 2000, police arrested and beat 13 persons in the Brakna region, who protested the redistribution of their traditionally held land to relatives of the Wali (Governor); they were released 2 weeks later. The Governor and the head of police were removed from their posts in September 2000. At year's end, the land still had not been restored to its original owners. In some cases, the fallow land was granted to wealthy Moors who developed commercial agricultural enterprises.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict these rights through prepublication press censorship by the Interior Ministry. Two daily newspapers, Horizons and Chaab, and all broadcast media (radio and television) are government-owned and operated. NGO's and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulated widely in Nouakchott and other towns.

All newspapers must register with the Ministry of the Interior. There were more than 300 journals and newspapers registered with the Ministry of the Interior, more than 200 of which do not publish regularly, including some never having published an edition. There only are approximately 25 privately owned newspapers that publish on a regular basis. These journals are weeklies and reach limited audiences, printing at most 3,000 copies of any 1 edition. The Government issues press cards to journalists and requires that they show this identification for participation in official press events. Private newspapers reported openly and critically on both the Government and the opposition. These newspapers also published party declarations and tracts without government censure or restraint during the October elections (see Section 3). Publications are exempt from all taxes on materials used to produce newspapers, journals, or books for the private press.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviews all newspaper copy prior to publication and usually authorizes sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. During the year, the authorities seized seven issues of different journals. The weekly newspaper Al Alam ceased publication after the Government banned it in December 2000. At year's end, a Middle East Information Agency representative, whose accreditation was suspended in 2000, had not been reaccredited. The Government provided no specific

reasons for the seizures, the censure, or the banning other than to cite Article 11 of the Constitution, which prohibits materials that undermine national sovereignty, territorial integrity, or national unity.

Radio is the most important medium in reaching the public, and the official media strongly supported government policies. The Government continued to deny private applications to establish domestic radio stations. During the October legislative and municipal election campaign, the Government provided all candidates with equal access to its two newspapers and to the electronic media, allowing citizens to hear and read criticism of the Government in these media, as well as in the private press (see Section 3). Opposition parties' access to government radio broadcast facilities at other times was limited.

Using satellite receivers and dish antennas, citizens can receive foreign television broadcasts from France and Arab countries. Unlike in the previous year, the Government did not pressure Radio France International to discontinue its broadcasts or the Government of Qatar to discontinue its Al-Jazeera broadcast to the country following the transmission of several programs highly critical of the Government.

There are five domestic Internet service providers, which operate without governmental restrictions. Internet connections exist in Nouadhibou, the major commercial center, and five other regional capitals. Some private newspapers also maintain Internet sites, which the Government does not censor.

The Government does not restrict academic freedom, and there were no cases in which the Government prevented research or publication or censored lectures. The country's one university is government-funded and operated.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The law requires that all recognized political parties and NGO's apply to the local prefect for permission for large meetings or assemblies. In May 2000, the Government temporarily banned all public demonstrations and refused to grant permits to demonstrators in response to widespread demonstrations on price increases and the situation in the Middle East. In July the authorities denied university students permission to gather at the university campus to form a student association. When they attempted to hold the meeting at the Hotel Chinguetti, police used excessive force to disperse them.

In October the Government refused a permit for a demonstration by opponents of U.S. bombing in Afghanistan and the Government's policy of maintaining full relations with Israel.

There was no action taken against authorities who used force to disperse demonstrations in December 2000, November 2000, and April 2000.

The Constitution provides for freedom of association; however, the Government limited this right in practice and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. The number of political parties and labor unions remained the same. At least 15 political parties and a wide array of NGO's, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the UDP and Taliaa remained banned. The Government recognized 14 new NGO's and associations during the year, bringing the total number of such organizations to more than 600. The Government has not yet granted some NGO's official standing but did not prevent them from functioning. Among these are the Mauritanian Association for Human Rights (AMDH) and SOS-Esclaves (an antislavery NGO), which the Government claims potentially are divisive in that they appeal to specific ethnic groups, namely the southern and Black Moor communities respectively.

In 2000 the Government disbanded several parties, including the major opposition party, the UFD-A, claiming that it threatened security by inciting violence; the UFD-A remained disbanded at year's end. During the year, the Government allowed the opposition FP political party to operate after the May arrest and June conviction of party president Mohamed Lemine Ch'bih Ould Cheikh Malainine (see Section 1.d.).

Following a diplomatic confrontation with Iraq, resulting from the Government's opening full diplomatic relations with Israel, the Government accused Iraq in 2000 of undertaking subversive action against it, fomenting violent antigovernment demonstrations, and financing the Taliaa (Vanguard) political party. The Government disbanded the Taliaa party, whose officials had been meeting with Iraqi Ba'ath party representatives, citing constitutional prohibitions against "cooperation with a foreign party, accepting foreign funds for political propaganda, and carrying out illegal acts;" the party remained disbanded at year's end.

#### c. Freedom of Religion

The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State; accordingly, the Government limits freedom of religion. However, Christians in the foreign community and the few Christian citizens practice their religion openly and freely.

The Government does not register religious groups; however, secular NGO's must register with the Ministry of the Interior (see Section 2.b.); this includes humanitarian and development NGO's affiliated with religious groups. Nonprofit organizations, including both religious groups and secular NGO's, generally are not subject to taxation.

Shari'a (Islamic law) includes the Koranic prohibition against apostasy or conversion to a religion other than Islam; however, it never has been codified in civil law or enforced. The small number of known converts from Islam have suffered no social ostracism, and there have been no reports of societal or governmental attempts to punish them.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice the Government prohibits proselytizing by non-Muslims through the use of Article 11 of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam; however, there were no reports that the Government punished persons for violating Article 11 during the year. The Government views any attempts by Christians to convert Muslims as undermining society. There are no known non-Muslim groups engaging in proselytizing, and foreign Christian NGO's limit their activities to humanitarian and development assistance.

Under Article 11, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles are neither printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes is not illegal, and Bibles and other religious publications are available among the small Christian community.

There is no religious oath required of government employees or members of the ruling political party, except for the President and the members of the 5-person Constitutional Council and the 10-person High Council of Magistrates presided over by the President. The Constitutional Council and the High Council of Magistrates advise the President in matters of law and the Constitution. The oath of office includes a promise to God to uphold the law of the land in conformity with Islamic precepts.

Both privately run Koranic schools, which nearly all children attend, and the public schools include classes on religion. These classes teach the history and principles of Islam and the classical Arabic of the Koran. Although attendance at these religion classes ostensibly is required, many students, the great majority of whom are Muslims, decline to attend for diverse ethno-linguistic and religious reasons. Nevertheless these students are able to advance in school and graduate with diplomas, provided that they compensate for their failure to attend the required religion classes by their performance in other classes.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects these rights in practice; however, in some regions, persons lacking identity cards could not travel freely.

Historically there were few restrictions on travel in the country's nomadic society. With urbanization and automobile travel, the Government has set up regular road checkpoints where the Gendarmerie checks the papers of travelers, and reportedly often demanded bribes. During the year, the Government generally maintained fewer road checkpoints than in previous years, and reduced the time taken in questioning and conducting vehicle searches. There were fewer reports of more stringent searches in the southern border areas. However, the number of checkpoints throughout the country increased temporarily between September and November both before and after the country's elections in October and following the September 11 terrorist attacks in the U.S. (see Section 3).

Of the approximately 70,000 members of largely southern-based ethnic groups who were expelled by the Government or fled to Senegal and Mali during the 1989-91 crisis, and of those born abroad since that time, the U.N. High Commissioner for Refugees (UNHCR) documented 33,248 returnees to 4 provinces along the Senegal River in 1999. Both the UNHCR and the Government agreed that many others have returned on their own to the larger towns and cities. Many more returnees among nomads, who are difficult to document, and urban dwellers are not included in UNHCR's figures. Informed observers estimate that the actual number of returnees ranges between 40,000 and 65,000. Entire villages as well as almost all Peulh (nomadic herders of the Halpulaar ethnic group) have returned. The Government has stated since 1993 that any citizen outside the country may return; however, the Government, the countries of asylum, and the UNHCR have signed no

tripartite repatriation agreements. The UNHCR terminated programs to help returnees at the end of December 1998. The UNHCR estimated that there are between 15,000 and 20,000 refugees remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health, and sanitation projects continued by NGO's and humanitarian workers.

Cooperation by local authorities in addressing restitution and citizenship matters varies greatly, depending on individual officials and the returnee's region. Repatriation efforts achieved greater results in the Trarza and Brakna regions than in Gorgol and Guidimaka to the east; however, observers noted that the situation in Gorgol improved considerably. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government accepts UNHCR recommendations on the granting of asylum and refugee status. The Government, which has cooperated with the UNHCR and other humanitarian organizations in assisting refugees since 1989, signed a local headquarters agreement with the UNHCR in 1999. In recent years, the Government has provided first asylum to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Cote d'Ivoire, Mali, and Guinea-Bissau. The Government also has accepted the UNHCR's registration of approximately 200 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosts more than 50,000 nationals of other West African countries who seek refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small craft fishermen are Senegalese. There is a population of approximately 300 Sierra Leoneans living in Nouakchott. Some arrived more than 10 years ago and are employed fully. Approximately 225 of these have been granted refugee status and receive UNHCR assistance. The Sierra Leoneans held protest demonstrations at the U.N. compound on several occasions throughout 2000 demanding increased assistance and refugee status for all members of the group, including those with full-time employment, and resettlement in the West.

Approximately 2,000 former refugees from Mali who could repatriate have remained in the country and largely have been integrated into the local population. Nearly all these Malian refugees are Moors. The UNHCR no longer considers them to be refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, the Government restricts this right in practice. Although civilians fill all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

President Taya won an overwhelming victory in the 1997 presidential elections, although his opponents did better in the cities than in the rural areas. The official turnout of 75 percent and the winning percentage of 90 percent were inflated, because many individuals voted more than once. The Government distributed four voter registration cards to some persons, including government employees, instructing them to vote repeatedly for the incumbent. The opposition also distributed multiple voter registration cards to some persons, instructing them to vote repeatedly. The outcome of the elections was marred by fraud on all sides, including pervasive government intervention to support candidates from the ruling party. The elections were boycotted by a coalition of four opposition parties that had demanded enhanced media access, an opposition role in election preparation, creation of an independent electoral commission, enlargement of the commission charged with revision of the electoral list, and provision of official copies of the voting report from each polling station to representatives of each candidate. During the election campaigning, the Government granted the opposition access to the official media, but did not meet the other demands. The next presidential elections are scheduled for 2003.

One-third of the Senate is elected by the indirect balloting of municipal councils every 2 years; the latest elections were held in April 2000. The elections generally were well organized and were considered free and fair by international observers. However, four parties of the Political Opposition Front (POF) boycotted the national elections. As a result, only the governing party and parties affiliated with the governing party presented candidates. The ruling parties gained 14 of 18 seats being contested with 1 independent retaining his seat and 3 members of the ruling Republican, Democratic, and Social Party (PRDS) gaining seats as nominal independents. The first female candidate was elected to the Senate.



In October legislative and municipal elections, 15 opposition parties presented candidates for election. The Government introduced a hard-to-falsify voter identification card, revised and published all voter registration lists, used transparent ballot boxes, and allowed full access for a representative of each party to observe the entire voting process, including ballot counting, in every precinct. However, due to resource constraints, not all parties sent observers to all polling stations. No visiting international groups observed the elections, but foreign diplomats and local observers noted that the elections generally were fair and transparent. However, they reported some irregularities, such as voters casting ballots at two different polling stations in a small number of precincts. Security forces avoided involvement in politics during the year; by law members of the military must resign if they wish to participate in partisan politics. Except during the election campaign, the Government denied the political opposition full access to government media or the ability to compete on an equal footing (see Section 2.a.). The FP party, which opposes diplomatic relations between the country and Israel, gained one seat in the legislative elections, and eight municipal council seats either outright or in coalition with other parties. The UFD-A, the major opposition party, remained banned (see Section 2.b.).

The country is divided into 13 provinces, including the capital district of Nouakchott, which are divided further into prefectures. The Government appoints the Walis (governors) and Hakems (prefects). Municipal councils are elected by general ballot, and they elect their mayors, usually the head of the majority party's list. Most government services are provided by the central government. The elected councils are responsible for some public services, such as sanitation, and have fiscal autonomy and taxing power. Their administrative staff is independent of the Government. The councils elect the national Senate.

Elections are held by secret ballot. At polling places on election day, registered citizens receive a package of color-coded cards, containing one card for each candidate. Each citizen votes by entering a booth where they place the card of their candidate of choice into a sealed envelope. Voters then deposit the envelope into a sealed transparent ballot box in front of observers from each political party. The unused cards are discarded on the floor. Although voters in theory could take the unused cards out of the polling place with them, the ready availability of many unused cards on the floor makes the cards worthless as evidence of how a voter has voted and effectively eliminates the potential for abuse in such a multiple ballot system. A countrywide census, taken at the end of 1998 and designed to register all citizens and standardize the current complex system of names, also was aimed in part at providing the basis for free and fair elections. Prior to the elections in October, the Government completed the distribution of hard-to-falsify identity cards. It also updated and published computer-based voter registration lists in French and Arabic.

The percentage of women in government or politics does not correspond to their percentage of the population; however, women have the right to vote, and formed the majority of voters in the 1997 presidential election. Women occupy some senior government positions: Four cabinet level posts including the cabinet-level post in charge of information, one secretary-general post, and two senior presidential advisors (including a Haratine). In addition four women serve as senior advisors to ministers. Women are well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There are four female members of the National Assembly and one female Senator. A total of 3 of the 14 members of the Executive Bureau of the ruling PRDS are women, and a woman heads the UDP party, a part of the ruling coalition.

The percentage of minorities in government or politics does not correspond to their percentage of the population; Haratines, Halpulaars, Soninkes, and Wolofs are underrepresented in senior government positions. Of the Government's 20 ministerial posts, 2 incumbents are Haratine, 2 are Halpulaar, and 1 is Soninke; the remaining 15 are of either White Moor or mixed White Moor/Haratine ethnicity (see Section 5). The full 27-member Cabinet, including secretaries of state, has 3 Haratines, 3 Halpulaars, and 1 Soninke. The 56-member Senate has 3 Haratines, 4 Halpulaars, 3 Soninkes, and the remaining 46 are of either White Moor or mixed White Moor/Haratine heritage. The 81-member National Assembly has 9 Haratines, 8 Halpulaars, 2 Soninkes, and 2 Wolof.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are three human rights organizations concerned with overall human rights issues, only one of which operates with official government registration. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the AMDH, still is unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH has many opposition members. The AMDH was more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989-91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) established a branch in the country in 1994 that has not been recognized officially. The Government has not responded to the applications of these organizations, on the grounds that they are ethnically based organizations that are divisive and in violation of the law; however, the unrecognized organizations continued to carry out their activities unimpeded. The Government was responsive to NGO's.

Other organizations, including 14 unregistered associations, also addressed human rights issues. Two groups, SOS-Eslaves and the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, focus their efforts on overcoming the country's vestiges of slavery (see Section 6.c.). SOS-Eslaves particularly is active in claiming that slavery remains pervasive and appealing to national and international audiences to contribute to its eradication. SOS-Eslaves leader Boubacar Ould Messoud and other SOS-Eslaves members traveled abroad freely during the year and made such claims during speaking tours.

The Committee of Solidarity with the Victims of Repression in Mauritania is concerned with the plight of the 1989 expellees. The Consultative Group for the Return of the Refugees was founded to promote the return of the remaining refugees in Senegal. The Collective of Worker Victims of the 1989 Events seeks redress for government employees who lost their jobs in the events of 1989. The Committee of the Widows and the Collective of Survivors focus on the sufferings of the victims of the 1990-91 military purge and their families. The Collective of Survivors of Political Detention and Torture was established in 1996 to seek redress for abuses committed during the 1986-87 period. These groups and other groups of individuals with common concerns functioned openly and actively, but their efforts are circumscribed somewhat because they are not recognized officially (see Section 2.b.). The Coalition of Human Rights NGO's is an umbrella organization for 12 of these organizations; it represents the group in various forums, including representations to foreign embassies.

The only international association concerned with human rights to visit the country during the year was the ICRC, which makes routine annual visits. In 2000 after consulting with international developmental NGO's, both houses of the Parliament passed legislation governing the procedures and conditions under which international NGO's can conduct business in the country. The Executive signed the legislation in July 2000, but regulations still were not implemented by year's end. This legislation would facilitate the legal right for NGO's to conduct their work by providing for duty free imports, licensing of vehicles, and other provisions. Some international development NGO's operate under direct agreements with the Government, but most have been working without governing regulations.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice the Government often favored individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, is endemic, although the situation continued to improve.

#### Women

Abuse and domestic violence is illegal; however, human rights monitors and female lawyers report that domestic violence is rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely seek legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. Rape, including spousal rape, is illegal; however, there were no known arrests or convictions under this law. The incidence of reported rape is low; it occurs, but newspaper accounts of attacks are rare.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be on the decline. One form of such mistreatment is the forced feeding of adolescent girls (gavage), which is practiced only among the Moors. Experts previously estimated that between 60 and 70 percent of women experienced gavage but now conclude that very few Moor women continue to experience gavage. The change in figures appears to reflect both prior overestimation and a significant decline in the practice in recent years. While there is no law prohibiting gavage, the Government has made it a policy to end the practice. The Government continued intensive media and educational campaigns against gavage during the year in the Government print and broadcast media and through public seminars.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced among all ethnic groups except the Wolof. It is performed most often on young girls, often on the 7th day after birth and almost always before the age of 6 months. A 1996 report by the U.N. Population Fund and a study published in 1997 by Jeune Afrique Economie cited the country as one in which 25 percent of women undergo FGM. Among Halpulaar women, more than 95 percent undergo FGM. Preliminary results of a foreign-funded study indicate that 66 percent of those who perform FGM recognize that the practice is detrimental to women's health, and 54 percent of imams agree that the practice is dangerous. Local experts agree that the least severe form of excision is practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government continued intensive media and educational campaigns against FGM during the year. It is a

clear public policy of the Government, through the Secretariat of Women's Affairs, that FGM should be eliminated, and the Government bars hospitals from performing it. Public health workers and NGO's educate women on the dangers of FGM and on the fact that FGM is not a requirement of Islam. For example, a 1996 officially produced Guide to the Rights of Women in Mauritania (with religious endorsement) stressed that Islam does not require FGM and that, if medical experts warn against it for medical reasons, it should not be done. According to several women's rights expert, the campaign against FGM appeared to be changing attitudes towards the practice.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights are recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a (Islamic law) as applied in the country (see Section 1.e.), marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice polygyny is very rare among Moors but is common among other ethnic groups. Arranged marriages also increasingly are rare, particularly among the Moor population. Women frequently initiate the termination of a marriage, which most often is done by repudiation of husband or wife rather than divorce. It also is common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulates that her husband must agree to end their marriage if he chooses an additional wife. The rate of divorce among Moors is estimated to be 37 percent, and the remarriage rate after divorce is 72.5 percent.

Women still faced legal discrimination. For example, the testimony of two women is necessary to equal that of one man, and the value placed on women's lives in court-awarded indemnities only is half the amount awarded for a man's death (see Section 1.e.). However, women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, respected this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government seeks to open new employment opportunities for women in areas that traditionally were filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives. In 1999 for the first time, women were hired by the army to serve as police inspectors and customs officials. In 2000 the first female Acting Police Commissioner was appointed in the capital and also began serving as Chief Investigator in the same police station. In 2000 approximately 70 jurists and female lawyers established an association of female jurists and, under the auspices of the Ministry of Justice, organized their first national congress dedicated to the legal concerns of women.

The Secretariat for Women's Affairs works with many NGO's and cooperatives to improve the status of women. A booklet published late in 2000 advises women of their rights. The Government, women's groups, and national and international NGO's organized meetings, seminars, and workshops throughout the year to publicize women's rights.

#### Children

The law makes special provision for the protection of children's welfare, and the Government has programs to care for abandoned children; however, these programs were hampered by inadequate funding. The Government relies on foreign donors in such areas as child immunization.

Starting with the school year that began in November, the Government requires attendance at school for 6 years, but complete implementation of universal primary education is not scheduled to be complete for at least 3 years, primarily because the Government lacks the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas. Education receives the largest share of the national budget at 13.5 percent. The Government has made universal primary education a priority; however, there only was a slight increase in attendance from the previous year, in which the school enrollment rate was 86 percent. There are no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. An estimated 84 percent of school-age girls attended elementary school in 1998 and 1999, up from 44.8 percent in 1990 (compared with 88 percent for boys, up from 58.3 percent). At the secondary level, female students constituted 37.4 percent of those enrolled. Despite these increases, enrollment in the eastern part of the country, the Brakna, and along the Senegal River remained at a lower level. The Government introduced a special countrywide program in 1995 and 1996 to boost female enrollment at the elementary level. Female students made up 17 percent of the university's 1998-99 enrollment, compared with 9 percent in 1990. Female students also constituted 30.5 percent of students enrolled in technical schools, compared with 2 percent in 1990. The literacy rate for women is 36 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attend Koranic school between the ages of 5 and 7 and gain at least rudimentary skills in reading and writing Arabic (see Section 2.c.).

FGM is performed commonly on young girls (see Section 5, Women).

Local NGO's estimate that there are more than 250 street children.

The Government does not enforce adequately existing child labor laws, and children perform a significant amount of labor in the informal sector in support of family activities (see Section 6.d.).

#### Persons with Disabilities

The law does not provide specifically for persons with disabilities, and the Government does not mandate preference in employment or education or public accessibility for persons with disabilities. However, it does provide some rehabilitation and other assistance for persons with disabilities. NGO's increasingly have become active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 6 classrooms and enrolled 35 students (20 girls and 15 boys) during the year; however, the school lacked trained staff. In 2000 the school obtained the services of a volunteer expert who provided professional training for the staff.

There is no societal discrimination against persons with disabilities.

#### National/Racial/Ethnic Minorities

Ethnic minorities and low-caste individuals among all ethnic groups confront societal discrimination. Ethnic and cultural tension and discrimination arise from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors are divided among numerous ethno-linguistic clan groups and are distinguished racially as Beydane and Haratine, or White Moors and Black Moors, although it often is difficult to distinguish between the two groups by skin color. The majority of those known as Black Moors are Haratine, literally meaning "one who has been freed," although some Black Moor families never were enslaved. "White" Moors, large numbers of whom are dark-skinned after centuries of intermarriage with members of Sub-Saharan African groups, dominate positions in government and business. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups are concentrated in the south and are underrepresented in the military and security sectors.

A number of accounts indicate that redistribution of southern farmland to Moors since the acceleration of desertification in the 1970's has contributed to tensions between Moors and southern-based ethnic groups. Although much of the Government's redistribution of land has been from southerners to southerners, some Moors have been resettled in the south (see Section 1.f.). Ethnic tensions surfaced dramatically in the mass expulsions of southern-based ethnic groups--mostly Halpulaars--in 1989 and 1990 and the purge of Halpulaars from the military in 1991. Few regained their positions; however, tensions have lessened.

The Constitution designates Arabic, Pulaar, Soninke, and Wolof as the country's national languages. However, successive governments--both civil and military--have pursued various policies of "Arabization" in the schools and in the workplace. Non-Arabic-speaking ethnic groups have protested this policy, as have Arabic-speaking groups that want their children to obtain a bilingual Arabic-French education.

In 1999 the National Assembly approved educational reforms to replace the separate track Arabic-French system of education, which had been in place for 20 years, with a unified system for all citizens in which both French and Arabic would be the languages of instruction for all students. Under the separate track system, Moors generally attended Arabic language schools, while Halpulaars, Soninke, and Wolof attended French-language schools. The Government concluded that the separate track system had contributed to ethnic divisions. Reversion to the previous unified system, with all students attending the same schools, is expected to promote social cohesion. The reform also provides for English and civics to be introduced at an early stage. The promotion of other national languages, previously included at the elementary level, was moved to the university level.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tend to have readily identifiable ethnic bases, although political coalitions among them increasingly are important. The acceleration of desertification during the 1970's that destroyed much of the traditional economic basis of Moorish society, and an upsurge of Arab nationalism among White Moors during the 1980's, contributed to ethnic violence precipitated by a dispute with Senegal during 1989-91; this violence entailed the expulsion or flight of many non-Moors living in the south and occupation of much of their land by Moors, including Black Moors. Interethnic bitterness and hostility persists, and continues to be aggravated by climatic, land, and

population pressures.

A number of accounts suggest that some members of the long-dominant White Moor community, which traditionally enslaved darker skinned groups, may continue to expect or desire servitude on the part of members of the generally darker-skinned Black Moors and southern ethnic groups, and that such attitudes may impede efforts to build a nondiscriminatory society and to eliminate the vestiges of slavery and consequences of slavery, goals to which both the Government and major opposition parties are committed. There are indications that racism on the part of some White Moors may have contributed both to the persistence of such vestiges and consequences of past White Moor enslavement of Black Moors, and to the expulsions and reported dispossession of members of darker southern ethnic groups with no tradition of servility to White Moors. However, southern-based ethnic groups and Black Moors have manifested little racial solidarity socially or politically, and racial differences did not contribute either to historical slavery or to the persistence of its vestiges and consequences among southern-based ethnic groups.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for freedom of association and the right of citizens to join any political or labor organization. All workers except members of the military and police are free to associate in and establish unions at the local and national levels. The bulk of the labor force is in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent are employed in the wage sector. However, nearly 90 percent of industrial and commercial workers are organized.

The Labor Code, does not restrict trade union pluralism, and there are three labor confederations: The Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), and the Free Confederation of Mauritanian Workers (CLTM). There also are four unaffiliated professionally based labor unions. The oldest of the three confederations, UTM, still is viewed by many workers as closely allied with the Government and the ruling PRDS. It has lost ground to the CGTM, which was recognized in 1994 with 23 member unions, and the CLTM, which was founded in 1995 and recognized in 1998. The CGTM is not affiliated with any party, although most of its members tend to favor the opposition. The CLTM is associated with the Action for Change (AC) opposition party.

The Government provides funds to the confederations in proportion to their memberships. All three confederations supplied representatives to the country's four labor tribunals and were included in most government deliberative or consultative bodies. Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, also were active.

The law provides workers with the right to strike. It also provides for tripartite arbitration committees composed of union, business, and government representatives. Once all parties agree to arbitration, the committee may impose binding arbitration that automatically terminates any strike. Strikes in the private sector must be preceded by submission of a nonconciliation or negotiation-breakdown report. There were no strikes or work stoppages during the year.

The International Labor Organization (ILO) Committee of Experts has noted that compulsory arbitration effectively prohibits strikes and has asked the Government to bring its legislation into compliance with the requirements of ILO Convention 87 on Freedom of Association and Protection of the Right to Organize; however, there was no government action by year's end.

International trade union activity continued. The Government included CGTM, UTM, and CLTM representatives in its delegation to the ILO in June 2000. The national federations continued to organize training workshops for their memberships throughout the country.

Unions are free to affiliate internationally. The UTM participates in regional labor organizations. The CGTM and UTM are both members of the International Confederation of Free Trade Unions (ICFTU). The UTM is a member of the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member federation from each country.

### b. The Right to Organize and Bargain Collectively

The law provides that unions may organize workers freely without government or employer interference. General or sectoral agreements on wages, working conditions, and social and medical benefits are negotiated in tripartite discussion and formalized by government decree. Wages and other benefits also may be

negotiated bilaterally between employer and union and the results of such negotiations are filed with the Directorate of Labor. Although the Directorate has the ability to change the negotiated settlement between labor and business, there were no known cases of such action.

Laws provide workers with protection against antiunion discrimination and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives. The Government in theory can dissolve a union for what it considers an "illegal" or "politically motivated" strike; however, there were no instances in which the Government did this. No unions were disbanded during the year.

There are no export processing zones (EPZ's); however, the Investment Code approved by the National Assembly in December provides for the creation of EPZ's.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, the law only applies to the relations between employers and workers and there were reports that such practices occurred. The ILO Committee of Experts has requested that the Government take measures to extend the prohibition to any form of forced labor and vestiges. Citizens continued to suffer the effects and consequences of the practice of slavery and of caste distinctions over generations including the traditional existence of a slave caste in both Moor and southern (black African) communities. Slavery was abolished officially three times in the country, most recently by the post-independence government in 1980. Even before 1980, the practice of slavery among the traditionally pastoralist Moors had been reduced greatly by the accelerated desertification of the 1970's; many White Moors dismissed their former Black Moor slaves because the depletion of their herds left them unable either to employ or to feed slaves. However, widespread slavery also was traditional among ethnic groups of the largely nonpastoralist south, where it had no racial origins or overtones; masters and slaves both were black. The south has suffered less from desertification, and some reports identify it as the region in which vestiges and consequences of slavery persist most strongly.

A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist. There has been no open trading in slaves for many years; however, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude persisted in some isolated areas. Unofficial voluntary servitude persists, with some former slaves continuing to work for former masters in exchange for monetary or nonmonetary benefits such as lodging, food, or medical care. Many persons, including some from all ethnic groups, still use the designation of slave in referring to themselves or others. The reasons for the persistence of such practices appear to be economic, psychological, and religious, although they vary widely between the different ethnic groups. Poverty, persistent drought, and a weak economy provided few economic alternatives for many and left some former slaves vulnerable to exploitation by former masters. There were reports that some former slaves in some sedentary communities have continued to work for their former masters or others without remuneration in order to retain access to the land they traditionally farmed, although the law provides for distribution of land to the landless, including to former slaves, and this law has been enforced in many cases (see Section 1.f.). Anecdotal evidence suggests that no more than 20 percent have received land. Deeply embedded psychological and tribal bonds also make it difficult for many individuals who have generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continue to link themselves to former masters, because of the belief that their slave status had been ordained religiously, and due to fear of religious sanction if that bond is broken.

Adults cannot be obliged by law to remain with former masters nor can they be returned if they leave. However, adult females with children have greater difficulties and may be compelled to remain in a condition of servitude. For example, in some cases, especially where the former master claims to be the father, former masters refuse to allow children to accompany their mothers when the mother leaves the master. In other cases, the greater economic responsibility of supporting a family may be the principal impediment to a woman seeking a new life. Children's legal status is more tenuous than that of adults. There have been no reports of sales or the "transfer" of children or other individuals from one employer or master to another since 1996, when there were occasional confirmed cases of transfers; reports of sales are rare, cannot be confirmed, and appear to be confined to past years.

Problems related to the vestiges and consequences of slavery usually entered the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. In most cases involving custody disputes between former masters and former female slaves, the courts have been instructed by the Minister of Justice to rule in favor of the women, and in virtually all custody cases that were tried were decided in favor of the women; however, court adjudication of such cases is rare. The determination of such cases is problematic in a country where there is polygyny, "secret" marriages, no written records, and divorce by repudiation (see Section 5). The courts are prepared to

pursue the concept of genetic testing to determine paternity, but no such cases have yet been brought. Several inheritance disputes between Haratines and the descendants of their former master were adjudicated in court in recent years. Most such disputes were decided in accordance with the law, as the courts ruled that the descendants of the former slaves should inherit their property; however, in some cases involving land tenure, courts reportedly did not uphold the property rights of former slaves. In 2000 the land of several Black Moor families, some of whom were former slaves, in the Dar El Barka and Boghe communes was confiscated by the Wali (Governor) for redistribution to his relatives and supporters. The Government punished the Governor by removing him from his post. The new Governor was considering returning the land to the Haratine communes, but had not done so by year's end (see Section 1.f.).

The legacy of caste distinctions continued to affect the status and opportunities available to various groups. For example, in some groups, individuals of a higher caste who seek to marry someone of a lower caste may be barred by their families or by the community, and in Soninke communities members of the slave caste cannot be buried in the same cemetery as other castes.

NGO positions on the existence of slavery are not uniform. For example, SOS-Eslaves in an 1997 report characterized slavery as a persistent social reality, whose occurrence among disadvantaged classes is far from negligible (see Section 4). The Organization of African Unity's (OAU) African Commission on Human and People's Rights issued a report in 1997 that disputed the conclusions of the SOS-Eslaves report. While allowing for the possibility of isolated cases of slavery in the remote countryside, the Commission concluded that slavery does not exist as an institution and that the persistence of vestiges of slavery was the more convincing explanation of social relations. Anti-Slavery International has stated that there is insufficient evidence to conclude whether or not slavery exists, and that an in-depth, long-term study was required to determine whether the practice continues.

Three NGO's--SOS-Eslaves, the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, and the Initiative for the Support of the Activities of the President--focused on issues related to the history of slavery in the country. SOS-Eslaves particularly was active in bringing to public attention cases in which it found the rights of former slaves to have been abridged and in assisting former slaves in their difficulties with former masters. Other human rights and civic action NGO's also follow this issue closely. The independent press, which includes journals that are published by Haratines and southern-based ethnic groups who emphasize issues of importance to these ethnic groups, also is quick to report any incident that comes to its attention in which the rights of former slaves have not been respected.

The Government focuses on education, literacy, and agrarian reform as the main means to eradicate the vestiges of slavery and address its consequences. Classes are integrated fully, including boys and girls from all social and ethnic groups. In recent years, the Government's record in cases in which an individual's civil rights were affected adversely because of status as a former slave was poor. When complaints were filed with the Government to remedy cases involving detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable prompting and passage of time. In 1999 the Government created a new cabinet post, the Commissariat for Human Rights, Poverty Alleviation, and Integration. A major focus of the commissariat is to address the vestiges and consequences of slavery.

The law prohibits forced and bonded labor by children, and there were reports that children in families affected by the vestiges of slavery also performed labor; however, such labor was not forced.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law provides that children must not be employed before the age of 14 in the nonagricultural sector unless the Minister of Labor grants an exception due to local circumstances. The Government has a functional labor inspectorate empowered to refer violations directly to the appropriate judicial authorities. The Government lacked sufficient resources to enforce existing child labor laws (see Section 5).

The law specifies that no child under the age of 13 may be employed in the agricultural sector without the permission of the Minister of Labor or under the age of 14 in the nonagricultural sector. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside commonly pursue herding, cultivation, fishing, and other significant labor in support of their families' activities. In keeping with longstanding tradition, many children serve apprenticeships in small industries and in the informal sector. There is no child labor in the modern industrial sector.

Unlike in the previous year, the Government did not conduct any efforts such as the 2000 campaign to publicize the rights of children, including pertinent labor regulations and the objective of universal education.

The law prohibits forced and bonded labor by children, and there were reports that children in families affected by the vestiges of slavery also performed labor; however, such labor was not forced (see Section 6.c.). Children of slave families are allowed to attend school.

e. Acceptable Conditions of Work

The minimum monthly wage for adults is \$38.71 (9,872 ouguiya). The national minimum monthly wage does not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek may not exceed either 40 hours or 6 days without overtime compensation, which is paid at rates that are graduated according to the number of supplemental hours worked. Domestic workers and certain other categories work 56 hours. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but in practice inadequate funding limited the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but did so inconsistently, due to inadequate funding. In principle workers can remove themselves from hazardous conditions without risking loss of employment; however, in practice they cannot.

The law protects legal but not illegal foreign workers, and foreign workers may join unions.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.